

Message Text

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ORIGIN EB-08

INFO OCT-01 AF-10 ARA-10 EA-10 EUR-12 NEA-10 IO-13
ISO-00 AGRE-00 CEA-01 CIAE-00 COME-00 DODE-00
FRB-03 H-01 INR-10 INT-05 L-03 LAB-04 NSAE-00
NSC-05 PA-01 CTME-00 AID-05 SS-15 STR-07 ITC-01
TRSE-00 ICA-11 SP-02 SOE-02 OMB-01 DOE-15 /166 R

DRAFTED BY EB/OT/TA:CJACOBINI:PRM
APPROVED BY EB/ITP:WGBARRACLOUGH
STR: HLA WRENCE
COMMERCE:RFRANCIS
EUR/WE:DGOODMAN
EUR/RPE:PLASSE

-----003794 210910Z /21

R 202253Z JUL 78
FM SECSTATE WASHDC
TO AMEMBASSY LONDON
AMEMBASSY PARIS
INFO USMISSION GENEVA

LIMITED OFFICIAL USE STATE 184201

OECD

E.O. 11652: N/A

TAGS: ETRD, OECD, MTN, UK

SUBJECT: UK T.V. SCREENTIME QUOTAS

REF:LONDON 11381

1. UNLESS EMBASSY PERCEIVES ANY OBJECTION, PLEASE DELIVER
FOLLOWING RESPONSE TO BUTLER WITH COPY TO SIR BRIAN:
"THANK YOU FOR YOUR LETTER OF JULY 14 REGARDING THE
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POSSIBLE REDUCTION IN THE PERCENTAGE OF FOREIGN MATERI-
AL SHOWN ON INDEPENDENT TELEVISION IN THE UK UNDER
REGULATIONS OF THE INDEPENDENT BROADCASTING AUTHORITY."

"THE EMBASSY ALSO HAS RECEIVED A LETTER FROM SIR
BRIAN YOUNG, DIRECTOR GENERAL OF THE IBA, IN WHICH HE
WAS GOOD ENOUGH TO INFORM US OF NEW REGULATIONS THE IBA

IS LIKELY TO ISSUE AT THE END OF JULY AND TO INVITE OUR COMMENT. THE PROPOSED NEW REGULATIONS WOULD REDUCE THE PERCENTAGE OF OVERSEAS MATERIAL."

"I AM INSTRUCTED TO RESPOND TO YOU AND TO SIR BRIAN THAT IT IS THE OPINION OF THE US GOVERNMENT THAT THE UK GOVERNMENT IS OBLIGED UNDER THE OECD INVISIBLES CODE NOT TO REDUCE THE TELEVISION SCREEN TIME QUOTA ALLOTTED TO FOREIGN

SOURCES. THE FACT THAT THE INDEPENDENT BROADCASTING AUTHORITY IS BY LAW AN INDEPENDENT AUTHORITY DOES NOT, IN OUR VIEW, ABSOLVE THE UK OF INTERNATIONAL OBLIGATIONS IT HAS UNDERTAKEN; ON THE CONTRARY, THE IBA IS BOUND BY THOSE OBLIGATIONS, JUST AS MUCH AS ANY OTHER DEPARTMENT OF GOVERNMENT."

"WE UNDERSTAND, FURTHERMORE, THAT A PORTION OF THE FOREIGN QUOTA MUST BE RESERVED FOR COMMONWEALTH PROGRAMMING. THUS THE ONLY SIGNIFICANT EFFECT OF REDUCING THE EXISTING QUOTA WILL BE TO REDUCE SUBSTANTIALLY THE NUMBER OF AMERICAN PROGRAMS SHOWN ON INDEPENDENT TELEVISION. THE REDUCED QUOTA, WHILE GLOBAL IN NATURE, IN EFFECT SPECIFICALLY DISCRIMINATES AGAINST AMERICAN FILMS. TELEVISION PROGRAMS PRODUCED IN THE UK ENCOUNTER NO SUCH RESTRICTIONS OR DISCRIMINATION IN THE AMERICAN MARKET. ADDITIONALLY, ARTICLE IV:B OF THE GATT COMMITS CONTRACTING LIMITED OFFICIAL USE

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PARTIES NOT TO ALLOCATE SCREEN TIME "FORMALLY OR IN EFFECT AMONG SOURCES OF SUPPLY". RESERVING A PORTION OF THE FOREIGN QUOTA FOR COMMONWEALTH PROGRAMMING IS AN ALLOCATION OF SCREEN TIME AMONG SOURCES OF SUPPLY, WHICH WOULD SEEM TO VIOLATE ARTICLE IV:B OF THE GATT."

"FINALLY, THE REDUCTION OF THE EXISTING QUOTA IS A RESTRICTIVE TRADE MEASURE AND IS NOT IN KEEPING WITH THE STRONG COMMITMENT BY BOTH OUR GOVERNMENTS TO AVOID SUCH PROTECTIONIST MEASURES."

"ACCORDINGLY, WE URGE THAT THE IBA RECONSIDER ITS PROPOSED REGULATIONS."

"I AM SENDING A COPY OF THIS LETTER TO SIR BRIAN AS A COMMENT ON THE PROPOSED REGULATIONS."

2. FOR OECD PARIS. IF IBA DOES IMPLEMENT PROPOSED REGULATION WE WOULD LIKE TO RAISE MATTER AT NEXT MEETING OF INVISIBLES COMMITTEE WHICH WE UNDERSTAND WILL BE HELD IN OCTOBER. REQUEST OPINION OF MISSION AS TO WHETHER IT WOULD BE APPROPRIATE TO DO SO AT THAT

MEETING. VANCE

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